

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JEANES HOSPITAL,)	
)	
Plaintiff,)	CIVIL ACTION
)	NO. 04-cv-0395
v.)	
)	
KATHLEEN SEBELIUS, <i>Secretary of Health</i>)	
<i>and Human Services,</i>)	
)	
Defendant.)	

ORDER

AND NOW, this 28th day of September, 2010, upon review and consideration of Plaintiff's Motion for Summary Judgment [docket entry No. 61]; Defendant's Cross-Motion for Summary Judgment and Opposition to Plaintiff's Motion [docket entry Nos. 67 and 68]; Plaintiff's Response to Defendant's Cross Motion [docket entry No. 69], Defendant's Reply to Plaintiff's Response [docket entry No. 72]; Defendant's Notice of Supplemental Authority [docket entry No. 73]; Plaintiff's Response to Defendant's Notice of Supplemental Authority [docket entry No. 77], as well as the Administrative Record established below, and for the reasons set forth in the attached Memorandum Opinion, it is hereby **ORDERED** that:

1. Plaintiff's Motion for Summary Judgment is **DENIED**;
2. Defendant's Cross-Motion for Summary Judgment is **GRANTED**;
3. The decision of the Administrator of the Centers for Medicare & Medicaid Services in the matter of Jeanes Hospital v. Wisconsin Physicians Service (formerly Mutual of Omaha Insurance Company)(Review of PRRB Decision No. 2009-D23), dated July 24, 2009, is hereby **AFFIRMED**.

The Clerk of Court is **DIRECTED** to mark this case **CLOSED**.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.